

AMENDED IN SENATE APRIL 7, 2005

SENATE BILL

No. 931

Introduced by Senator Florez

February 22, 2005

An act to amend Sections 44508 and 44515 of, and to add Section 44501.5 to, *Section 44508 of the Health and Safety Code*, relating to pollution control.

LEGISLATIVE COUNSEL'S DIGEST

SB 931, as amended, Florez. Pollution control authority: ~~Confined Animal Facilities: Membership.~~

(1) Existing law authorizes the California Pollution Control Financing Authority to finance various pollution control projects to control and eliminate pollution hazards to the environment. Existing law defines the term "project" for purposes of this purpose, as any land, building, improvement thereto, work, property or structure, real or personal, providing or designed to provide for the control, reduction, abatement, elimination, remediation, or prevention of pollution, as specified.

This bill would exclude from the definition of the term "project" ~~a confined animal facility, as defined, if domesticated animals are corralled, penned, or otherwise caused to remain in restricted areas of that facility for commercial agricultural purposes and the feeding of those animals by means other than grazing.~~

(2) Existing law provides that the members of the authority consist of the Director of Finance, the Treasurer, and the Controller.

~~This bill would additionally include, as members of the authority, the chairperson of the State Air Resources Board and the chairperson of the State Water Resources Control Board. any facility that does not comply with one or more air, water, solid waste, or hazardous waste laws, regulations, or rules.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 44501.5 is added to the Health and~~
2 ~~Safety Code, to read:~~
3 ~~44501.5. The Legislature finds and declares all of the~~
4 ~~following:~~
5 ~~(a) Confined animal feeding facilities pose a significant threat~~
6 ~~to public health and the environment through their air and water~~
7 ~~discharges.~~
8 ~~(b) Confined animal feeding facilities do not constitute a~~
9 ~~pollution control project that is eligible for financing pursuant to~~
10 ~~this division.~~
11 ~~SEC. 2.~~
12 ~~SECTION 1. Section 44508 of the Health and Safety Code is~~
13 ~~amended to read:~~
14 ~~44508. (a) “Project” and “pollution control facility,”~~
15 ~~respectively, mean any land, building, improvement thereto,~~
16 ~~work, property or structure, real or personal, providing or~~
17 ~~designed to provide for the control, reduction, abatement,~~
18 ~~elimination, remediation, or prevention of pollution, including,~~
19 ~~but not limited to, any of the following:~~
20 ~~(1) Hydrostatic control facilities, dust collectors, smoke bags,~~
21 ~~settling ponds, filtration plants, sewage disposal facilities,~~
22 ~~garbage disposal facilities, recycling facilities, dumps, filling~~
23 ~~grounds, chlorination ponds, treatment works, water utility~~
24 ~~property, soil excavation and removal, construction, operation,~~
25 ~~and maintenance of systems that extract, contain, or treat~~
26 ~~groundwater, soil vapor, gas, or leachate.~~
27 ~~(2) All other structures, systems, or facilities now or hereafter~~
28 ~~developed or useful in the control of pollution of any type or~~
29 ~~character, including any structure, equipment, or other facilities~~
30 ~~for any of the following purposes:~~
31 ~~(A) The purchase, production, distribution, or sale of water.~~
32 ~~(B) Reducing, treating, neutralizing, or cooling the~~
33 ~~temperature of any liquid, gaseous, or solid or hazardous waste~~
34 ~~substance or discharge resulting from the process of manufacture,~~
35 ~~industry, or commerce, or from the development, processing, or~~

1 recovery of any natural resource or the generation of electricity,
2 steam heat, or manufactured gas, together with the recovery,
3 treatment, neutralizing, stabilizing, or cooling equipment,
4 facilities, plants, or structures necessary to reduce, control,
5 remediate, or eliminate pollution.

6 (3) Any and all facilities that may hereafter be developed
7 through science, study, and investigation to aid and assist in the
8 control of pollution or the removal or treatment of any substance
9 that might otherwise cause or contribute to pollution, and
10 including the use of renewable energy resource devices or the
11 development of an energy conservation program where that
12 action is designed to reduce onsite emissions or pollutants.

13 (b) "Project" also means payment by a party for the party's
14 share of the cost of remediation of pollution at a contaminated
15 site for which the party is a de minimis or de micromis
16 responsible party, and the party has been accorded that status in
17 an expedited final settlement or other settlement with the United
18 States Environmental Protection Agency, reached in accordance
19 with subsection (g) of Section 122 of the Comprehensive
20 Environmental Response, Compensation, and Liability Act of
21 1980 (42 U.S.C. Sec. 9601 et seq.) and the regulations and
22 guidance issued by the United States Environmental Protection
23 Agency pursuant to that act.

24 (c) Notwithstanding subdivisions (a) and (b), "project" does
25 ~~not include a confined animal facility, including, but not limited~~
26 ~~to, any land, structure, building, installation, barn, corral, coop,~~
27 ~~feed storage area, milking parlor, or system for the collection,~~
28 ~~storage, treatment, and distribution of liquid and solid manure, if~~
29 ~~domesticated animals, including, but not limited to, cattle, calves,~~
30 ~~horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks,~~
31 ~~are corralled, penned, or otherwise caused to remain in restricted~~
32 ~~areas of that facility for commercial agricultural purposes and the~~
33 ~~feeding of those animals is by means other than grazing.~~

34 ~~SEC. 3. Section 44515 of the Health and Safety Code is~~
35 ~~amended to read:~~

36 ~~44515. There is in the state government the California~~
37 ~~Pollution Control Financing Authority. The authority constitutes~~
38 ~~a public instrumentality and a political subdivision of the State of~~
39 ~~California, and the exercise by the authority of the powers~~
40 ~~conferred by this division shall be deemed and held to be the~~

1 ~~performance of an essential public function. The authority shall~~
2 ~~consist of five members: the Director of Finance, the Treasurer,~~
3 ~~the Controller, the chairperson of the State Air Resources Board,~~
4 ~~and the chairperson of the State Water Resources Control Board.~~

5 ~~The Director of Finance, the chairperson of the State Air~~
6 ~~Resources Board, and the chairperson of the State Water~~
7 ~~Resources Control Board may designate a deputy to represent~~
8 ~~that person at all meetings of the authority.~~

9 *not include any facility that does not comply with one or more*
10 *air, water, solid waste, or hazardous waste laws, regulations, or*
11 *rules, including, but not limited to, regulations required to be*
12 *adopted pursuant to Sections 40724, 40724.5, and 40725.*